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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE LUIS CASTELLANOS,

Defendant and Appellant.

B239932

(Los Angeles County
Super. Ct. No. VA116669)

APPEAL from a judgment of the Superior Court of Los Angeles County,
H. Randolph Moore, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

After hitting his girlfriend during an argument in May 2010, Jose Luis Castellanos was charged by felony complaint with two counts of inflicting corporal injury to a cohabitant (Pen. Code, § 273.5, subd. (a)),¹ and one count of dissuading a witness by force or threat (§ 136.1, subd (c)(1)). He pleaded not guilty to the charges.

Represented by appointed counsel, Castellanos waived his right to a preliminary hearing and entered a negotiated plea of no contest to inflicting corporal injury on a cohabitant as charged in count 1. In accordance with the plea agreement, the trial court suspended imposition of sentence and placed Castellanos on five years of formal probation. The remaining charges were dismissed on the People's motion. The court ordered Castellanos to pay a \$30 court security fee, a \$400 assessment to the domestic violence fund, a \$120 restitution fine and \$300 in victim restitution. The court imposed and suspended a parole revocation fine pursuant to section 1202.45. Castellanos was awarded 30 days of presentence credit (15 actual days and 15 days of conduct credit).

Castellanos timely filed a notice of appeal, and his certificate of probable cause was denied.²

We appointed counsel to represent Castellanos on appeal. After an examination of the record, counsel filed an opening brief in which no issues were raised. On June 25, 2012, we advised Castellanos he had 30 days in which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

¹ Statutory references are to the Penal Code.

² Castellanos was not arrested on this case until January 24, 2012. His motion to dismiss for failure to comply with an earlier demand for trial as an in-custody defendant was denied because he was paroled from prison (on LASC case No. VA116151) prior to the expiration of the 90 day period in which to bring an in-custody defendant to trial. The trial court refused to issue a certificate of probable cause for Castellanos to challenge the denial of his motion to dismiss. On May 31, 2012, this court denied Castellanos's petition for writ of mandate to compel the trial court to issue a certificate of probable cause.

With respect to the one issue specifically identified in the notice of appeal that does not in substance challenge the validity of the plea itself – his presentence custody credits – the record reflects they were properly calculated by the trial court. We have examined the record and are satisfied Castellanos’s attorney has fully complied with the responsibilities of counsel, and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

WOODS, J.

We concur:

PERLUSS, P. J.

ZELON, J.